



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,855	01/16/2004	Kurt E. Heikkila	A202.1030.1	6564

7590 06/23/2005

WOMBLE CARLYLE SANDRIDGE & RICE
P.O. Box 7037
Atlanta, GA 30357-0037

EXAMINER

CRUZ, MAGDA

ART UNIT PAPER NUMBER

2851

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,855

Applicant(s)

HEIKKILA ET AL.

Examiner

Magda Cruz

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/6/04 & 4/19/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 8-16 and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaniv in view of Libby et al.

Yaniv (US Patent Number 6,577,355) discloses:

- Regarding claim 1, a switchable screen (Figure 3, element 101);
said screen being selectively switchable (column 3, lines 25-27)
between a window mode (i.e. transparent mode; column 2, line 36),
in which the screen is substantially transparent (column 2, lines 37-38), and a screen mode (i.e. opaque mode; column 2, line 36), in
which the screen is at least partially reflective (column 2, lines 39-41); and a projector (Figure 3, element 301) for projecting an image
onto said screen when in said screen mode (column 3, lines 31-34).
- Regarding claim 2 and 13, said screen is mounted in a wall (column 3, lines 54-55).
- Regarding claims 3 and 14, said screen (Figure 3, element 101) is
a part of a window assembly (column 3, lines 58-59).

Art Unit: 2851

- Regarding claims 4 and 15, the window assembly (i.e. display window; column 3, line 59) includes at least one pane of glass in addition to said screen (column 3, lines 27-31).
- Regarding claims 5 and 16, said screen (Figure 3, element 101) is selectively switched at a location remote from said screen (i.e. the screen switches upon receipt of a particular stimulus; column 3, line 68 through column 4, line 3).
- Regarding claims 9, 21 and 24, said screen (Figure 3, element 101) is a suspended particle device (i.e. polymer dispersed liquid crystal material sandwiched between sheets of glass or plastic; column 4, lines 6-9).
- Regarding claim 10, the screen (Figure 3, element 101) is partially reflective and partially translucent (column 3, lines 62-65); and displaying the video program on the screen such that the program can be viewed from either side of said screen (column 3, lines 34-37 and column 3, lines 49-51).
- Regarding claim 11, the video program is projected onto the screen (column 3, lines 19-24).
- Regarding claim 12, switching the screen from a window mode (i.e. transparent state), where the screen is substantially transparent, to a screen mode (i.e. opaque state), wherein the screen is at least partially reflective (column 3, lines 62-65).

Art Unit: 2851

- Regarding claim 22, at least one pane (i.e. glass pane; column 3, line 55) constructed of a material that is selectively switchable between a first mode (column 3, lines 49-50), and a second mode wherein said pane is at least partially reflective (column 3, line 51-53).
- Regarding claim 25, at least one pane of transparent material that is not switchable (i.e. only a portion of the glass or other substrate is switchable; in that case, the rest of the glass or other substrate is switchable; column 3, lines 51-53).

Yaniv teaches the salient features of the present invention, as explained above, except (regarding claims 1 and 10) a screen mounted between two adjacent rooms, wherein (regarding claims 8, 20 and 22-23) said pane is substantially transparent to provide a view of each room from the adjacent room. However, Yaniv discloses a screen (Figure 3, element 101) that may be a display window (column 3, line 59).

Libby et al. (US 2004/0056829 A1) discloses:

- Regarding claims 1 and 10, a screen mounted between two adjacent rooms (i.e. when said screen is incorporated into an interior window; page 1, paragraph 0011, lines 9-10).
- Regarding claims 8, 20 and 22-23, the pane (element 216; page 2, paragraph 0021, line 9) is substantially transparent (i.e. glass) to provide a view of each room from the adjacent room (i.e. said pane

Art Unit: 2851

is mounted within the frame of the media panel; page 2, paragraph 0021, lines 7-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to mount the screen the screen disclosed by Yaniv between rooms and wherein the pane is substantially transparent, like the one disclosed by Libby et al., for the purpose of providing information display in addition to the functions of traditional windows (Libby et al., page 1, paragraph 0002, lines 2-4).

3. Claims 6-7 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yaniv in view of Libby et al. as applied to claims 1-5, 8-16 and 20-25 above, and further in view of Hsieh.

Yaniv (US Patent Number 6,577,355) in combination with Libby et al. (US 2004/0056829 A1) teaches the salient features of the present invention, as explained above, except (regarding claims 6 and 18-19) a screen that is switched to the window mode by applying an electrical potential to said screen, and (regarding claims 7 and 17) the screen is switched to the screen mode by removing an electrical potential from the screen. However, Yaniv discloses a screen (Figure 3, element 101) that is selectively switchable (column 3, lines 25-27) between window mode (i.e. transparent mode; column 2, line 36) and screen mode (i.e. opaque mode; column 2, line 36).

Hsieh (US Patent Number 5,123,192) discloses a screen (i.e. display plate, element 71) that is switched to the window mode (i.e. the display plate becomes transparent) by applying an electrical potential to said screen (column

Art Unit: 2851

2, lines 58-61), and that is switched to the screen mode (i.e. opaque display plate) by removing an electrical potential from the screen (column 3, line 68 through column 4, line 2).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to utilize a screen that is switched to the window mode by applying an electrical potential to said screen, and switched to the screen mode by removing an electrical potential from the screen, like the one disclosed by Hsieh, in substitution of the switched modes disclosed by Yaniv, for the purpose of controlling the power transmitted from the power supply to respective components of the advertising device (Hsieh, column 4, lines 29-32).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magda Cruz whose telephone number is (571) 272-2114. The examiner can normally be reached on Monday through Thursday 8:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2851

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Magda Cruz
Patent Examiner
Art Unit 2851

June 16, 2005